

BILL NO. G-92-05-05

GENERAL ORDINANCE NO. G- Sept

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the  
City of Fort Wayne (as more specifically described below) was  
duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing  
thereon; and

WHEREAS, said Commission has duly forwarded its  
recommendation to this body approving said petition, all in  
accordance with I.C. 36-7-4-512(2) and this body having held  
a public hearing on said vacation as provided in I.C. 36-7-4-  
12; and

WHEREAS, this body concurs in the recommendation of the  
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a  
public alley within the City of Fort Wayne, more specifically  
described as follows, to-wit:

Alley between Douglas and Brackenridge from Clay running  
west that borders Lots 57, 58, 59 on the north side and  
Lots 74, 75, 76 on the south side in Lewis Addition.

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor.

Cletus R. Edwards  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

\*\* Public hearing to be held on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 1992,  
in the Council Chambers.

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by J. Edwards, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 5-12-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Q. Murre, seconded by \_\_\_\_\_, and duly adopted, placed on its passage.  
~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES		9		
BRADBURY		✓		
EDMONDS		✓		
GiaQUINTA		✓		
HENRY		✓		
LONG		✓		
LUNSEY		✓		
RAVINE		✓		
SCHMIDT		✓		
TALARICO		✓		

DATED: 3-9-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
Kathy B. Schmitt, Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

PAUL HELMKE, MAYOR



# RECEIPT

No 10901

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., 4/16 19  

RECEIVED FROM Candice Bylan \$ 150.00

THE SUM OF One hundred & fifty + 00/100 DOLLARS

ON ACCOUNT OF Alley Vacation

PAID BY: CASH ☒ CHECK ☐ M.O. ☐

AUTHORIZED SIGNATURE FoxB

50.00 / 10242-100.00

Date Filed: April 16, 1992

Vacation Petition

I/We Darwin E. Highlen, Jr.  
(Applicant's Name or Names)

PETITION TO VACATE part of alley between Douglas & Brackenridge  
(Street, Alley, Utility Easement, Plat,  
that runs East/West  
Other)

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully  
petition the Fort Wayne City Plan Commission to vacate the  
following section of alley with the City of Fort  
Wayne, Indiana, and hereby described as follows:

Alley between Douglas & Brackenridge from Clay running west  
that borders lots 57-59 on North side and lots 74-76 on South  
side. (XXXXXXXXXXXX) in Lewis Addition.

(Legal Description of property being vacated) If additional  
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as  
follows:

(List reasons for requesting vacation.)

1) Petitioner is the only owner on both sides of this section  
of alley.

2) Alley is not being used by any property owners on remainder  
of alley for any use whatever.

3) Alley is unimproved.  
(If additional space is needed use reverse side.)


Your petitioner(s) file this petition pursuant to the authority  
granted in Indiana Code, and provisions of local ordinance, in  
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described  
alley section be vacated according to the provisions  
of the Indiana Law pertaining thereto.

DATED THIS 16th DAY OF April 19 92

Darwin E. Highlen Jr.  
Adjacent Property Owner  
Typed Name

435 E. Brackenridge 46802  
Address Zip

  
Signature

\_\_\_\_\_  
Adjacent Property Owner  
Typed Name

\_\_\_\_\_  
Address Zip

\_\_\_\_\_  
Signature

Legal Description of Property:

---

---

---

---

---

Additional Reasons for Vacation Request:

---

---

---

---

---

Owners of Adjacent Property:

<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

Adjacent Property Owners TYPED Name	Address/Zip	Signature
-------------------------------------	-------------	-----------

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

Darwin E. Highlen, Jr.  
Name

435 E. Brackenridge  
Street Address

Fort Wayne, IN 46802  
City/State/Zip

(219) 424-6411  
Phone



50.

yellow; property owned by Darwin E. Highlen, Jr.

Blue: Section of Alley relating to vacation petition

1202

[illegible]

ADD

456 E. DOUGLAS

60.

60'	130'	1309	1311	1315	1317
50	64	25	25	26	24
140	64	6-5	64	66	66
	140	140	140	140	140
50	25	25	25	26	24
63	62	61	60	59	58
5	5	5	5	5	5
50	50	50	50	50	50
45	39.5	39.5	39.5	39.5	39.5
30.5	30.5	30.5	30.5	30.5	30.5
75	75	75	75	75	75

A.V.E.

CI 1877 6-48.77

1333	50	69	140
1325	50	68	
1323	25	67	2.2

96

B-R-A-C-K-E-N-R-I-D-G-E

57.

387.6

501

21

1.

20

6

RESOLUTION OF VACATION ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on May 12, 1992 referred a proposed alley vacation ordinance to the City Plan Commission which proposed ordinance was designated as Bill No. G-92-05-05; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

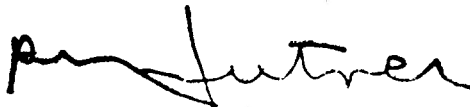
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 18, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation, due to the fact that the conditions placed on the request were not satisfied within the six (6) months allotted.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 1, 1993.

Certified and signed this  
2nd day of February 1993.



---

Robert Hutner  
Secretary

*From the Desk of:*

**Pat Biancaniello**

AGENT:

Darwin Highlen Jr  
435 E Brackenridge St  
City 02





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 17, 1993

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of February 20, 1993, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-92-08-10  
Vacating a street and alley

Bill No. G-92-04-12  
Vacating an alley

Bill No. G-92-04-13  
Vacating an alley

Bill No. G-92-05-05  
Vacating an alley

Bill No. G-93-01-20  
Vacating an alley

Please send us 3 copies of the Publisher's Affidavit from the above from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 5



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 17, 1993

Darwin Highlen Jr.  
435 E Brackenridge St  
Fort Wayne, IN 46802

### NOTICE OF PUBLIC HEARING ON BILL NO. G-92-05-05

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, March 9, 1993, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Portions of the East/West alley south of  
Douglas and North of Brackenridge Streets -  
Councilmanic District #1

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy  
City Clerk

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-92-05-05)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, March 9, 1993, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Alley between Douglas and Brackenridge from Clay running west that borders Lots 57, 58, 59 on the north side and Lots 74, 75, 76 on the south side in Lewis Addition - Councilmanic District #1

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

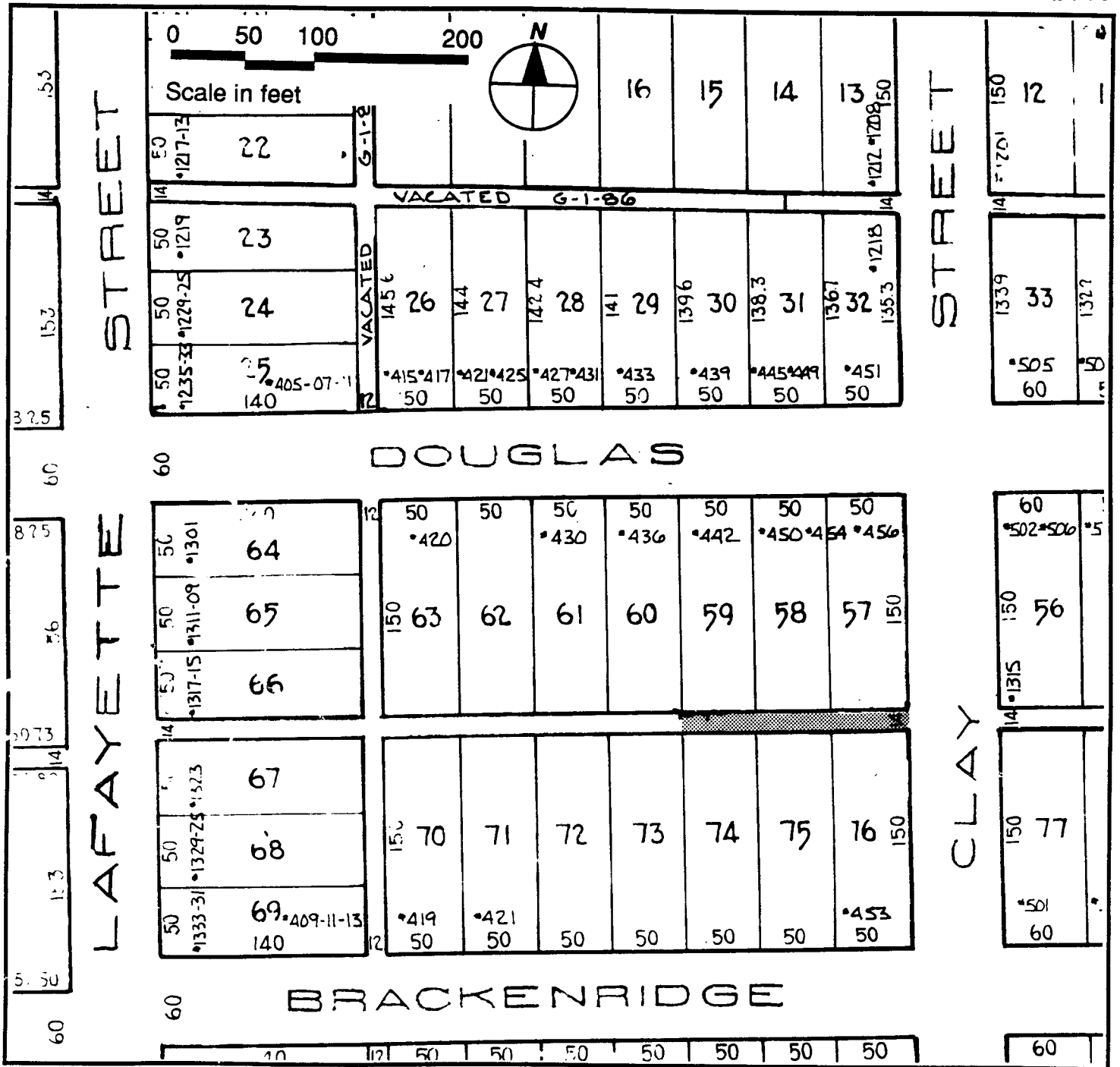
Sandra E. Kennedy  
City Clerk



# VACATION PETITION

AREA MAP

CASE NO. #511



COUNCILMANIC DISTRICT NO. 1

Map No. N-2  
LW 4-21-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



**FACT SHEET**

G-92-05-05

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Alley Vacation Ordinance

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

Portions of the East/West alley south of  
Douglas and North of Brackenridge Streets.

**Reason for Project**

Would like to use additional area  
for parking for the business at  
435 E Brackenridge Street.

**Discussion (Including relationship to other Council actions)****STATUS:**

This petition was heard at public hearing  
on May 18, 1992. It was granted a  
"Conditional Approval" at the Business  
Meeting on June 1, 1992.

Staff sent a letter indicating the  
conditions that needed to be met on  
June 9, 1992. Our records indicate  
that the conditions have not been  
satisfied.

On January 6, 1993, staff again sent a  
letter indicating that the conditions  
were still unsatisfied, and that failure  
to respond by January 15, 1993 would  
cause the petition to be returned to  
the Plan Commission for reconsideration.

1 February 1993 - Business Meeting

Motion was made and seconded to return  
the ordinance to the Common Council with  
a DO NOT PASS recommendation for the  
following reasons:

**POSITIONS****RECOMMENDATIONS**

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Areas
<b>Applicants/ Proponents</b>	Applicant(s) Darwin Highlen, Jr.  City Department  Other
<b>Opponents</b>	Groups or Individuals  Basis of Opposition
<b>Staff Recommendation</b>	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against  Reason Against
<b>Board or Commission Recommendation</b>	By  <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
<b>CITY COUNCIL ACTIONS (For Council use only)</b>	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass



# DETAILS

- 1) It is not appropriate for alley ways to be vacated unless replacement utility easements or relocations can be provided.
- 2) Failure to provide an improved public turn around would not address the safety concerns raised by staff, and could result in increased accident experience.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

## NOTE:

Plan Commission By-Laws Article VI, Sec 5  
Conditional Approvals

All ordinances which are given a "DO PASS" recommendation by the City Plan Commission, upon conditions to be met by the petitioners, or other seeking passage of the ordinance, shall be held by the City Plan Commission staff for a period of not more than six (6) months to allow the petitioner(s) or other(s) to satisfy the condition(s). If not satisfied within six (6) months from the date of the Plan Commission's decision to recommend "DO PASS" with condition(s), the City Plan Commission staff shall return the ordinance to the City Plan Commission for its reconsideration and recommendation of "DO NOT PASS" to the City Council, if the Plan Commission determines at that time that such a recommendation is proper under the circumstances existing at that time.

# POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 16 April 1992

Projected Completion or Occupancy

Date 2 February 1993

Fact Sheet Prepared by

Date 2 February 1993

Patricia Biancaniello

Reviewed by

Date

Reference or Case Number

2 FEBRUARY 1993

#511

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Alley between Douglas and Brackenridge  
from Clay running west that borders Lots 57, 58 & 59 on north side  
and Lots 74, 75 & 76 on south side in Lewis Addition.

2-92-05-05

EFFECT OF PASSAGE Property is currently a dedicated right-of-  
way. Property will be vacated and revert to the ownership of the  
adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated right-  
-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

BILL NO. G-92-05-05

REPORT OF THE COMMITTEE ON  
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS  
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating  
an alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*David C. Long*

*Rebecca J. Ravine*

*Lunsey Schmidt*

DATED:

*3-9-93*

Sandra E. Kennedy  
City Clerk



PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

20 lines, 1 columns wide equals 20 equivalent lines  
at .33 cents per line

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 6.60

\$ 6.60

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: Feb 20, 19 93

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

2/20/93

Cindy Gillenwater

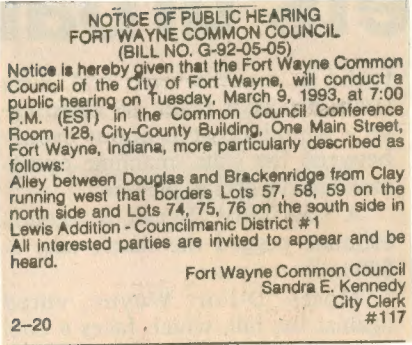
Subscribed and sworn to before me this 20th day of Feb, 19 93

SHELLEY R. LARUE

Notary Public Whitley County, IN

SHELLEY R. LARUE

My commission expires: March 3, 1994





FW Common Council  
(Governmental Unit)

To: The Journal-Gazette  
P.O. Box 100  
Fort Wayne, IN Dr.

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines  
Head -- number of lines  
Body -- number of lines  
Tail -- number of lines  
Total number of lines in notice

COMPUTATION OF CHARGES

20 lines, 1 columns wide equals 20 equivalent lines  
at .33 cents per line \$ 6.60  
Additional charge for notices containing rule or tabular work (50 percent of above amount)  
Charge for extra proofs of publication (\$1.00 for each proof in excess of two)  
TOTAL AMOUNT OF CLAIM \$ 6.60

DATA FOR COMPUTING COST

Width of single column 12.5 ems  
Number of insertions 1  
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,  
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.  
Date: Feb 20, 19 93 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )  
) ss:  
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

2/20/93  
Cindy Gillenwater  
Subscribed and sworn to before me this 20th day of Feb, 19 93

Shelley R. Larue  
Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-92-05-05)  
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, March 9, 1993, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:  
Alley between Douglas and Brackenridge from Clay running west that borders Lots 57, 58, 59 on the north side and Lots 74, 75, 76 on the south side in Lewis Addition - Councilmanic District #1  
All interested parties are invited to appear and be heard.  
Fort Wayne Common Council  
Sandra E. Kennedy  
City Clerk  
#117  
2-20